

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Cathy L. Waldor
v. : Mag. No. 19-7417
OMAR ABAD, : Criminal Complaint
Defendant. :

I, Robert Fromkin, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

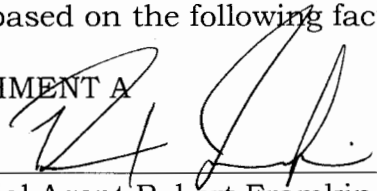
On or about February 21, 2019, in Cliffside Park, Bergen County, in the District of New Jersey and elsewhere, defendant:

knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year in the Federal District Court for the District of New Jersey, did knowingly possess in and affecting commerce a firearm, namely an Astra Constable 9mm handgun, bearing serial number 941036.

In violation of Title 18, United States Code, Section 922(g).

I further state that I am a Special Agent of Homeland Security Investigations and that this complaint is based on the following facts:

SEE ATTACHMENT A


Special Agent Robert Fromkin
Homeland Security Investigations

Sworn to before me and subscribed
in my presence,


Honorable Cathy L. Waldor
United States Magistrate Judge

August 27, 2019 at
Newark, New Jersey

ATTACHMENT A

I, Robert Fromkin, am a Special Agent of Homeland Security Investigations. I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact that I know concerning this investigation. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. On or about February 21, 2019, a law enforcement officer from the Cliffside Park Police Department observed the defendant, OMAR ABAD ("ABAD"), driving a Honda Accord and circling the area of Cecila Place and Oncrest Terrace in Cliffside Park. As officers approached the vehicle, which had tinted windows, ABAD rolled down the driver's side window. Officers observed a wad of cash between his legs. As the officers began to inquire why ABAD was circling the block, they smelled the strong odor of raw marijuana coming from inside the vehicle.
2. ABAD told the officers he was circling the block to drop off his girlfriend, but ABAD was the sole person in the vehicle. ABAD gave other explanations which defied common sense.
3. After ABAD stepped out of the vehicle at the officers' request, officers found drug paraphernalia (a grinder, razor blade, rolling papers,) and small quantities of what lab tests confirmed were marijuana, hashish, fentanyl and oxycodone inside the vehicle.
4. A subsequent search of the vehicle's trunk resulted in the recovery of an Astra Constable 9mm handgun, bearing serial number 941036, and six (6) rounds of .380 caliber ammunition in a magazine that were contained in a brown canvas bag.
5. As the officer discovered the bag which contained the gun inside the trunk, ABAD tried to escape from the scene on foot. Officers apprehended him a short distance away after a brief foot chase.
6. The 9mm handgun referenced in Paragraph 4 was manufactured outside the State of New Jersey and thus necessarily had to travel in interstate commerce prior to defendant's possession of the firearm in New Jersey on February 21, 2019.

7. The 9mm handgun referenced in Paragraph 4 was tested by the Bergen County Sheriff's Office and found to be operable, that is it is capable of, and designed to, expel a projectile.
8. A check of ABAD's Criminal History records revealed that ABAD has a conviction in the Federal District Court for the District of New Jersey for an offense punishable by imprisonment for a term exceeding one year, as detailed below, for which he received a sentence of 84 months.
 - October 17, 2008 – Conspiracy to Distribute Cocaine, in violation of Title 21, United States Code, Section 841(a)(1)